



PATENT APPLICATION NO. 10/720,452  
**Method of Producing a Tocopherol Product**  
Docket No: 48939-01070

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Scott Gubler, Rick Beatty and Angel Gonzalez, declare: that we are citizens of the United States of America, that our residences and post office addresses are 335 Count Fleet Road, St. George, Utah 84790, U.S.A.; 554 South 180 West, Hurricane, Utah 84737, U.S.A.; and 53 East 490 South, Ivins, Utah 84738, U.S.A., respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled Method of Producing a Tocopherol Product for which a patent is sought and which is described and claimed in Application No. 10/720,452, filed November 24, 2003; that we have reviewed and understand the contents of the above-identified application, including the claims, and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents: Holme Roberts & Owen LLP, Customer No. 34013, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

David O. Seeley, Reg. No. 30,148  
Customer No. 34013  
Holme Roberts & Owen LLP  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111

Wherefore, we ask that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at St. George, Utah this 2<sup>nd</sup> day of March, 2004.

Inventor: Scott A. Gubler  
Scott Gubler

Signed at St. George, Utah this 2<sup>nd</sup> day of March, 2004.

Inventor: Rick L. Beatty  
Rick Beatty

Signed at St. George, Utah this 3<sup>rd</sup> day of March, 2004.

Inventor: Angel Gonzalez  
Angel Gonzalez